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### **REMARKS**

#### **I. Claim Rejections – 35 USC § 102**

Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkin (US 2003/0158754 A1) in view of Linder et al. (US 6,681,003) and further in view of Segal et al. (US 2001/0041991 A1).

Elkin is characterized as disclosing a data communications server system having an information and means for logging into the network. Elkin is further alleged to have a communications portal resident on a server and accessed over the network, which portal includes means for making a user log-in to the communications portal; means for making a user verification; means for presenting a customized web page; means for accessing implantable medical device, patient medical records, and patient lab records databases over the information network; and means for integrating accessible databases through user selectable links.

Applicants respectfully traverse.

Elkin discloses a client/server architecture system for accessing patient medical device records. The system includes a graphical user interface (GUI), which is resident on a client terminal, from which a patient can enter, update, and store medical records information. The client terminal is connectable over a network (e.g., Internet) to a medical records system resident on a remote server. The GUI is illustrated in Fig. 7. The GUI is essentially a web browser program (see paragraph [0055]). The web page is merely a data file written in hypertext markup language (i.e., HTML). The web page is displayed as a viewable object at the local network site where the client terminal is located (see paragraph [0056]). The GUI includes hypertext links (211 in Fig. 7) to permit a patient to access web pages containing the links (see paragraph [0059]). The Elkin system is implemented as a program product (e.g., a control program residing in a

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computer memory) distributed in various media including floppy disks and CD-ROMs (see paragraphs [0061, 0062, and 0063]).

Elkin, therefore, provides nothing beyond the "means for logging into the information network" element of claim 1. Clearly, Elkin discloses and teaches only a web browser program to be installed on a patient computer terminal for accessing a remote database server. Fundamentally, Elkin does not disclose a communications portal resident on a server and accessed over an information network to present information associated with an individual implantable medical device patient. Thus, claim 22 can not result from any combination of references wherein Elkin is the primary reference as outlined in the office action.

Secondarily, Elkin does not provide any means for integrating accessible databases through selectable links. The GUI page shown in Fig. 7 and described in Elkin permits only a hypertext link to other web pages. There is no disclosure or suggestion of a selectable links to other databases so as to integrate them with the implantable medical device, patient medical records, and patient lab records databases.

The office action indicates that only absent from Elkin is provision for an implantable medical device database and a patient lab records database. Clearly that is incorrect. Much more is absent from Elkin. According to the office action, Linder allegedly provides the missing element of an implantable medical device database. Segal is cited for its disclosure of including patient lab records in a database.

However, as to Linder et al., the system disclosed is one for monitoring a patient-worn medical device. Linder et al. does not concern an implantable medical device. Aside from that distinction, even combining Linder with Elkin fails to provide the patient communications portal resident on a server accessed over an information network to present information that is specified in claim 22.

Furthermore, Linder is directed to a device monitoring and data collection system to permit a physician to analyze patient health parameters and the

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operation of a device (i.e., a wearable cardiac defibrillator [WCD] monitor). In contrast, Elkin is directed to a system permitting a patient to access medical records resident on an internet site from a local computer terminal. The alleged motivation to combine Elkin and Linder so as to "monitor and update performance of the device" is without basis. First, Elkin concerns access of a database by a patient from a local site. Linder on the other hand concerns a physician monitoring a patient from a remote location. There is no nexus between Elkin and Linder to promote attempting to combine the features of each. Second, even if one skilled in the art were to try to do so, at most the combination would result in a client/server system wherein a patient terminal in accordance with Elkin (i.e., having the described GUI interface) would be able to access the database server shown in Fig. 1 of Linder. The data communications server system having a communications portal as specified in claim 22 would not result.

In addition, new claim 29 is presented to further specify that the means for presenting a customized web page provides for presentation of one or more of a physician web page portal and a patient web page portal, and further that each of the web page portals comprises personalized content based on user role. Nowhere is this feature found in any of the cited references.

## **II. Conclusion**


The claims to the data communications server system of the present invention include the novel aspect of a communications portal resident on a server and accessed over an information network to present information associated with an individual implantable medical device patient. Applicants submit that the combination of Elkin, Linder and Segal fails to render claim 22 and the claims dependent thereon unpatentable. Further, Applicants request that a notice of allowance be issued.

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Respectfully submitted,

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